

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Bruchez *et al.*  
Title: Cells having a spectral signature and methods of  
preparation and use thereof  
Appl. No: 09/972,744  
Confirm. 4380  
No:  
Filing Date: 10/5/2001  
Examiner: Pensee Do  
Art Unit: 1641

**RESPONSE TO NON-FINAL REJECTION**

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The following response to the Office Action mailed on August 10, 2006 is being timely submitted on or before the shortened three-month statutory response period of November 10, 2006.

Applicants believe that no fees are do in connection with this filing; however, should any fees be due, the Commissioner is hereby authorized, under 37 C.F.R. §§ 1.16-1.17, to charge or credit any overpayment to Deposit Account No. **13-3900**. This is not an authorization to charge the issue fee.

**Remarks** begin on page 2 of this paper.